



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

November 9, 2011

✓ Ms. Kelly Lawler
F.A.I.R. – Fairness & Accountability, etc.

REDACTED

RE: **Warning Letter**

FPPC File No. 11/1023; F.A.I.R. – Fairness & Accountability in Redistricting ballot measure committee with major funding from CA Republican Party & Friends of Mimi Walters for Senate 2012; Kelly Lawler, Respondents

Dear Ms. Lawler:

The Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”)¹ found in Government Code Section 81000, and following. This letter is as a result of a sworn complaint filed against you and your committee that alleged you failed to properly identify the committee by its major donors.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that the committee failed to timely amend its Statement of Organization (Form 410) to reflect the names of its major donors as required by the Act.

The Act requires committees that support or oppose one or more ballot measures to name and identify itself with the name or special interests of its major donors of \$50,000 or more, which includes the committee’s statement of organization and any advertisements. (Section 84504.) When information on a Statement of Organization has changed, that statement must be amended within 10 days to reflect the change. (Section 84103.)

Your committee, previously known simply as F.A.I.R. – Fairness & Accountability in Redistricting, (FAIR) is raising money in preparation for a measure on the November 2012 Statewide Ballot. On August 30, 2011, FAIR received a \$100,000 contribution from the

¹The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

California Republican Party and on September 2, 2011, FAIR received a \$50,000 contribution from Mimi Walters for Senate 2012.

The Statement of Organization (Form 410) of FAIR, should have been amended by September 9, 2011 to reflect the California Republican Party as a major funder in the name of the committee and would again be amended by September 12, 2011 to include the Friends of Mimi Walters for Senate 2012. The amendment to the committee's Statement of Organization did not occur until October 27, 2011.

Your failure to timely amend the Statement of Organization is a violation of the Act. (Gov. Code § 84103.) However, since the committee has yet to produce any advertisement requiring the naming of its committee and major donors, we are closing this with a warning letter. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct.

The committee must in the future timely amend its Statement of Organization to reflect the names or special interest of contributors who contribute \$50,000 or more. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Jeanette Turvill at (916) 322-8194 with any questions you may have regarding this letter.

Sincerely,

 REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt

cc: Mr. Phillip Ung
Common Cause